

APPENDIX 3:

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September 12, 1999, Sunday, Final Edition

NAME: JONATHAN L. ARDEN

SECTION: METRO; Pg. C01

LENGTH: 1759 words

HEADLINE: A Better Morgue, a Bitter Staff; After Major Changes, Workers Seek Ouster of D.C. Chief Medical Examiner

BYLINE: Sewell Chan; Hamil R. Harris, Washington Post Staff Writers

BODY:

The stench is gone, and so are the flies and cockroaches. The bodies, once piled on top of one another, now lie neatly on fiberglass and metal trays. The dead come and go efficiently. Change is in the air at the D.C. morgue, 17 months after Jonathan L. Arden arrived as chief medical examiner--a job no one in his profession wanted.

The lanky, bearded, 45-year-old forensic pathologist from New York has reformed with a vengeance. He has reduced the backlog of unclaimed bodies and set up stricter autopsy criteria for suspicious deaths, especially of children. He is trying to fire two of the office's seven forensic pathologists. He has dismissed or placed on leave the morgue's two office administrators and the senior autopsy technician.

But his efforts at overhauling one of the District's most troubled agencies also have fostered a climate of distrust and apprehension. The remaining staff is on the verge of open revolt--most of them have asked Mayor Anthony A. Williams (D) to remove their boss. Many on the staff say the improvements in the office have been attained only by overworking employees in a morgue that even the medical examiner himself admits is still filthy and unhealthful. In a series of interviews, Arden brushed off the criticism and instead attacked what he called a "frustrating and mystifying" culture of dysfunction. "I've come in from the outside. I have no ties to the prior history and culture of the D.C. government and regime," Arden said. "I am a no-nonsense guy, and I am sick and tired of the nonsense--this is the nicest thing I can think of for other, stronger words that describe what goes on here every day."

The tough-talking doctor, who headed Brooklyn's morgue before coming to the District, said he "shook some things up" by imposing a standard of accountability to which many in the office had not been held before. The agency was filled with "inappropriate and unacceptable" work practices, Arden said. His public assessment of his staff is unusually critical and blunt, unique among the coterie of outside administrators who have been brought in over the last few years to salvage critical city agencies.

"We have some very seriously disgruntled employees," Arden said. "Why are the people unhappy? Because they're being held to levels of accountability they've never been held to before. I've upset the apple cart. Well, get used to it."

The **medical examiner's office** performs a vital function, not only for the criminal justice system but also for the public's health. It is a clearinghouse for information on drug use, suicides, infectious diseases and other important health indicators. It now conducts more than 1,200 autopsies a year, about 80 percent of all deaths reported to it and about 100 more than in previous years, Arden said. The staff has grown to 44 from fewer than 30 last year, and the annual budget has jumped to \$ 4.2 million from \$ 3.3 million.

The morgue, which has an official capacity of 58 bodies, contained 60 on a recent morning. Arden hopes to reduce the number further by having regular pickups of unclaimed corpses. A private firm now performs cremations, so the crematorium sits unused. Scattered in front of it are dozens of wooden boxes once used to store ashes.

The doctor has started a case-tracking system to record all deaths reported to the office. He has offered month-long internships to medical students from George Washington University. He has increased the proportion of bodies that are autopsied, ordering dissections on all chronic alcoholics and psychiatric in-patients, two groups likely to have unnatural causes of death.

Arden was hired in April 1998 by the District's then-chief management officer, Camille C. Barnett, who offered him \$ 165,000 a year to lead an agency that had been leaderless for six years in the 1980s and had been threatened with a Justice Department takeover. Arden said he was prepared for the challenges, but he also acknowledged that the obstacles were greater than he expected. Data keeping was irregular. The office didn't record cremation approvals or note deaths that were reported but not investigated further. Lines of responsibility were unclear, and devoted employees worked alongside lazy ones, Arden said.

"We had people here who were actively insubordinate and intransigent and subverting the process," he said. "We had people here who were marginally competent and some who were incompetent."

The chief **medical examiner's office** historically has been hampered by its lack of political representation in the city, said Joshua S. Wyner, executive director of the D.C. Appleseed Center, which released a report last year that recommended that the office be governed by an oversight commission. James L. Luke, who helped draft that report, said the office suffered from a decade of neglect. "There was a general lack of interest in the office over the span of many years," said Luke, who was the District's coroner and then its first chief medical examiner from 1971 to 1983.

When Barnett left in January, Arden, by his own admission, spent more time at the mayor's Cabinet table than at the autopsy table, working to build political support. He has made inroads. The mayor has elevated the chief medical examiner to Cabinet-level status, and Arden hopes eventually to take the office from under the Department of Health and make it an independent city agency. That process, which would require D.C. Council approval, could take several years.

But inside the squat brick building, change has not come easily.

Complaints followed the firings and the hirings of senior staff members from the outside, including Jacqueline A. Lee, the deputy chief medical examiner, and George Randall Moshos, the director of investigations, a new position. Arden declined to discuss individual personnel cases but said all the terminations were justified.

Staff members at the morgue say the increased workload has worsened already unsafe and

unsanitary conditions in the autopsy room and refrigeration unit. They say that Arden's criticism of the office has demoralized the staff.

"The morale has dropped to the lowest level in the past 15 years," according to a memo signed by 24 of the office's 44 employees and sent last month to Williams and other city officials. "We are constantly insulted and accused of being incompetent, threatened to be removed from our positions, berated, harassed, belittled and disrespected."

As for Arden, the memo said: "We are often overworked and the Chief never, ever steps forward to contribute or give a word of thanks or compliment. It appears he only knows negative criticism."

At a July 15 staff meeting that particularly upset employees, Arden told the staff, "If you're not happy or don't like what's going on, you can look in the classifieds." Arden later said he meant to emphasize the need for "stricter and more stringent professional standards."

"The staff is being treated unfairly," said Abdul-Raheem Abdullah, who was fired July 30 as the agency's director of operations and has become an unofficial spokesman for unhappy employees. Abdullah said many are irked more by Arden's imperious style than by the increase in work.

"You're scared to say anything," said an employee who transcribes the doctors' notes. "You don't know if you're the next one who's going to be fired." Like others, the worker agreed to speak only if not identified.

An occupational safety and health inspector from the D.C. Department of Employment Services visited the morgue last month after receiving anonymous complaints about safety conditions. Arden was not alarmed. "It's no secret that we're not in compliance" with federal workplace safety standards, he said.

The infrastructure problems are significant. The smaller of two refrigeration units used to store bodies broke down last year. Decomposed corpses from the smaller unit have been placed alongside the "fresh" bodies in the main unit, creating a pungent odor. Arden said separating the bodies would have been "convenient" but not cost-effective.

Ventilation in the morgue is poor, leaving stale air sitting in work areas. Bodily fluids continue to collect in puddles in the autopsy room because of clogged pipes. "We don't have ventilation. We're working massively understaffed, massively underpaid," said an autopsy technician.

A planned \$ 2.5 million renovation would revamp 75 percent of the 23-year-old building, installing a new ventilation system, a new X-ray facility, and specimen and evidence storage areas. The renovation is behind schedule, but Arden said he hopes to award a contract this month and complete the work in the next 12 months.

Of the seven medical examiners, just three, including Arden and Lee, are certified by the American Board of Pathology. Although not legally required in the District, certification is commonplace in major cities, according to John E. Pless, a professor of pathology at Indiana University and past president of the National Association of **Medical Examiners**. The office's own certification with the medical examiners association has lapsed, but Arden hopes to renew it.

Arden's decision to hire three physician assistants to work as "medico-legal" investigators on the one-quarter of autopsy cases that are homicides also has caused grumbling among police detectives accustomed to working the cases alone. Arden said the move, which is supported by senior police officials, added a critical component to solving cases.

The mayor's office hasn't responded to the employees' memo. Williams is scheduled to meet with the staff Sept. 28 at a brown-bag lunch at which Arden will not be present, said Peggy Armstrong, a mayoral spokeswoman. But the interim city administrator, Norman Dong, said Arden has the mayor's support.

"He was brought in to reform a dysfunctional operation, and he's doing exactly that," Dong said. "And any time you make major reforms, you're going to ruffle some feathers. We cannot be distracted by those people who are more interested in maintaining the status quo than in promoting change."

Those encouraging words are echoed by outside analysts. Appleseed's Wyner said morale at the office might grow to be a significant problem, but he urged employees and residents to give Arden "the benefit of the doubt."

"I would be wary of disgruntled employees at this stage," Wyner said. "The improvements in the office have got to be the bottom line for residents of the District of Columbia."

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Correction Appended

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HEADLINE: Bodies, Questions Mount in D.C.; Medical Examiner's Backlog Slows Investigations, Survivors' Healing

BYLINE: Sewell Chan and Petula Dvorak, Washington Post Staff Writers

BODY:

The cause of death of more than 1,300 people remains trapped in test tubes and specimen slides at the D.C. **medical examiner's office**, a growing backlog that has misdirected criminal investigations, delayed insurance claims and prolonged the grief of hundreds of families.

The unresolved cases, which date to 1999, are largely the result of deficient laboratory and financial resources. They have created a gap in the city's vital records and left survivors questioning the fundamental details of their loved ones' deaths.

Anne Scott, of Arlington, has had to pay her husband's car loan each of the six months since the 54-year-old died suddenly in November at his office in the District. She can't settle his estate or tell her children why their father, an athlete who seemed healthy, is gone. She said her children wonder whether they inherited a fatal genetic trait. "It's bothering me on a lot of levels, but I just don't need a daily reminder of Roger's death," said Scott, 49.

Marc Thomas Kinner's girlfriend was detained and handcuffed after the 35-year-old beautician collapsed Nov. 6 on the floor of his Northwest Washington apartment. Police investigated the death as a homicide for five months before a medical examiner concluded that a viral heart infection had killed him.

The backlog in completing death certificates preceded Jonathan L. Arden's tenure. When he took over the office of the chief medical examiner three years ago last month, the agency was focused on performing bare essentials, such as autopsies, and lab work was a distant priority. Nevertheless, the accumulation of incomplete cases is "the most painful experience of my professional life," said Arden, a forensic pathologist.

All three floors of the office show signs of work unfinished. Medical records are not in a

computer but in towers of boxed papers. Test tubes with blood samples awaiting analysis, arranged by date, fill egg-carton trays and rubber-banded bags in industrial-size refrigerators. There are about 90 bodies in a walk-in refrigeration unit designed to hold 60. The freshest are on the floor, with tennis shoes nearby; the oldest are stacked to the ceiling and layered in frost. The overpowering smell wafts up to a plant-filled waiting room.

Arden acknowledges the problems and the effect they have on "the quality of the lives of our citizens." The former Brooklyn, N.Y., medical examiner said he has focused on long-term improvements, including overhauling the staff and renovating the facility. He said the backlog will begin to diminish when the city's toxicology lab, which has been shuttered since 1996, reopens. That is expected by year's end, more than a year late.

"Medical examiner's offices are not the place that get the resources first," said Arden, 47. "People don't like them. People don't understand them. It's just dead people."

The office, which investigates about 4,000 deaths and performs about 1,300 autopsies annually, stands at the nexus of criminal justice and public health. It is charged with certifying all deaths in the District that occur violently, unexpectedly, without medical attention or in government custody. It also investigates fatalities that could signal an epidemic.

The backlog consists of cases requiring either of two types of laboratory work: toxicology -- the measurement and detection of foreign substances, including alcohol and drugs -- and histology -- the microscopic examination of tissue structure. There is just one lab staffer struggling to work through a backlog of at least 353 sets of tissue slides.

All toxicology work, which accounts for the remaining three-fourths of the backlog, is being done through an arrangement with the Armed Forces Institute of Pathology. The institute, whose primary task is forensic testing for the U.S. Department of Defense, cannot take more than 20 cases a week. And Arden said there is not enough money to pay private laboratories to handle the remaining cases.

Christopher C. Kelly, the institute's spokesman, said it receives calls from grieving relatives who are angry about the backlog but who are unaware of the institute's limited capacity. He added that the institute turns around cases, on average, in three to four workdays for negative results or seven to 10 days when alcohol or drugs are detected. The institute has no backlog, Kelly said.

The city's backlog of unresolved deaths includes 65 from 1999, 894 from last year and more than 400 from this year.

When samples sit for months awaiting analysis, the potential for inaccurate test results grows, Arden said.

Jasmynn Williams's family fears that might be the case in her death. Williams, 17, a freshman from Albion, N.J., collapsed in her Howard University dorm room Aug. 26, the day after she bought her schoolbooks. The death certificate did not arrive until April.

According to her autopsy results, which determined that Williams had died of heart disease, the blood, tissue and fluid samples received by the institute March 31 showed "slight putrefaction."

"What if there was something wrong, food poisoning or some such thing that we'll never know about because those samples sat there for seven months?" asked Cecilia Branham, Williams' mother.

The delays also can "impact on the administration of justice," Arden acknowledged.

For nearly a year, Vicki Schwarzenbach, of Tampa, believed a detective's determination that her brother, Ernest Schwarzenbach, 38, committed suicide April 26, 2000, in his Capitol Hill apartment. Ten months later, partly because of delays in sending samples to the lab, the death certificate was signed beneath the word "homicide." Police, who lost valuable time, are investigating.

Reconstructing the city's toxicology lab is Arden's top priority to reduce the delays, but he is searching for a director who will see the project through. Two have quit during his tenure.

H. Chip Walls, who held that post from September to January, said he returned to his job at the University of Miami's forensic laboratory because of frustration. New equipment worth about \$ 500,000 sat unused in the D.C. building's basement because the agency lacked the basic supplies and staffers to run it. Delays in a \$ 3 million renovation of the agency's facility also have stalled the lab's rebirth.

"It's a fair criticism to say this lab should have been up and running earlier," Arden said.

To tackle the backlog of cases, the city recently reallocated \$ 400,000 to help restart the toxicology lab and to continue paying the armed forces institute to continue its services. The D.C. Council this month also approved a 40 percent increase in the agency's budget, to \$ 5.6 million for fiscal 2002. But even with a reopened toxicology lab, the backlog is so large it would take until 2003 to eliminate, Arden said.

The toxicology lab itself is a stopgap measure. Arden's real hope is focused on a \$ 17 million forensic laboratory that his agency would share with the D.C. police crime scenes lab. The project, which would take at least five years to complete, recently gained its first phase of financial approval.

To bolster its operations, the **medical examiner's office** last fall became an independent agency, which streamlined its management of hiring and finances, Arden said.

The office finally filled its roster of seven medical examiners this year. Arden said he is making progress toward autopsying a greater proportion of deaths and completing investigations in more detail. By summer's end, paper records will be replaced by a computerized case tracking and data analysis.

The renovation of the medical examiner's building, at 1910 Massachusetts Ave. SE, shows progress. Backup electric generators and the skeleton of a new ventilation system are in place. There is fresh paint, and the footsteps of construction workers appear on every floor.

But a second backlog persists: bodies in the morgue. Arden removed an aging and frequently defective crematorium, and he has arranged three times for funeral homes to pick up dozens of unclaimed remains. But the bodies pile up.

"It was like a sea of bodies, all over the floor, all over the tables, stacked along the walls," said William W. Crawford III, an owner of Chambers Funeral Homes in Riverdale Park, which received one of the contracts in 1999. "You've got to sift through all of the bodies trying to find the right one. It's unbelievable."

CORRECTION-DATE: May 15, 2001

CORRECTION:

A May 14 Metro article on the D.C. **medical examiner's office** gave the wrong last name of William W. Chambers III, an owner of Chambers Funeral Homes in Riverdale Park.

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